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**FILED**

**JUN 04 2001**

Attorneys for Defendant, British  
American Tobacco (Investments) Limited

JUDGE MARINA CORODEMUS

By: John B. Kearney, Esquire

Plaintiff(s),

MARSHA F. DOOLITTLE and  
RICHARD H. DOOLITTLE,  
v.

Defendant(s),

R. J. REYNOLDS TOBACCO  
COMPANY, THE AMERICAN  
TOBACCO COMPANY, BROWN &  
WILLIAMSON TOBACCO  
CORPORATION, B.A.T. INDUSTRIES  
PLC, BATUS HOLDINGS, INC.,  
BRITISH-AMERICAN TOBACCO  
COMPANY LTD, BRITISH-  
AMERICAN TOBACCO (HOLDINGS)  
LTD., PHILIP MORRIS, INC. (Philip  
Morris U.S.A.), LIGGETT AND  
MYERS, INC., LORILLARD  
CORPORATION, THE COUNCIL FOR  
TOBACCO RESEARCH U.S.A., INC.  
(Successor in Interest to the Tobacco  
Industry Research Committee),  
TOBACCO INSTITUTE, INC., HILL  
AND KNOWLTON, INC., JOHN DOE  
TOBACCO CORPORATIONS "A"  
THROUGH "Z", MILLVILLE  
LAUNDRY, MILTEX, JOHN FOE,  
JOHN MOE, ABC CORP., and XYZ  
CORP., jointly, severally and in the  
alternative

SUPERIOR COURT OF NEW JERSEY  
MIDDLESEX COUNTY  
LAW DIVISION

DOCKET NO. MID-L-5771-00 (MT)

CASE CODE: 241

**Civil Action**

Tobacco Litigation

STIPULATION AND CONSENT ORDER  
OF DISMISSAL WITH PREJUDICE AND  
WITHOUT COSTS

THIS MATTER having been brought before the Court by the consent of the plaintiffs and the defendant, British American Tobacco (Investments) Limited ("BATCo") (referred to in plaintiffs' Complaint as British American Tobacco Company Ltd), for an Order to dismiss said defendant BATCo from this action with prejudice; and it appearing that BATCo has not yet filed an Answer or otherwise appeared through counsel in this action since it contends that it has not

THIS MATTER having been brought before the Court by the consent of the plaintiff and the defendant, British American Tobacco (Investments) Limited ("BATCo") (referred to in plaintiffs' Complaint as British American Tobacco Company Ltd), for an Order to dismiss said defendant BATCo from this action with prejudice; and it appearing that BATCo has not yet filed an Answer or otherwise appeared through counsel in this action since it contends that it has not been properly served as a party to this action pursuant to the requirements of the Hague Convention; and it further appearing that plaintiff and defendant BATCo have amicably resolved the differences between them; and for other good cause shown;

IT IS ON THIS 4 day of June, 2001 hereby

**ORDERED** that pursuant to R.4:37-1 the defendant, BATCo, shall be and is hereby dismissed with prejudice and without costs on the following terms and conditions;

1. The dismissal of BATCo is without prejudice to the Plaintiffs' right to re-institute the action against BATCo by motion, on notice to all parties and counsel of record for BATCo, if discovery in this action shall reveal good cause to believe that BATCo supplied a specific product to which the Plaintiff was exposed that caused or contributed to the injuries allegedly sustained by the Plaintiff.

2. Should BATCo be reinstated in this action, BATCo shall be deemed to consent to the tolling of the statute of limitations from the date the Second Amended Complaint was filed to the date of the reinstatement. In the event of reinstatement, and except upon a showing of good cause, BATCo shall be bound by case management and Court orders entered during the period in which BATCo was dismissed and be deemed to have consented to waive any entire controversy defenses which would apply had the voluntary agreement to dismiss BATCo not been entered into. BATCo expressly reserves, without prejudice or limitation of any kind, all statute of limitations and other defenses that existed as of the date of the filing of the Second Amended Complaint.

3. The dismissal of BATCo shall be deemed with prejudice, without need for a further

Order of this Court, if the action is not reinstated before the later of: (a) 90 days following completion of fact discovery in this action; or (b) the expiration of twelve (12) months from the date of this Order. The dismissal shall also be deemed with prejudice if plaintiff shall settle her claims against the remaining defendants before expiration of the periods specified in subparagraphs (a) and (b).

IT IS FURTHER ORDERED that the defendant BATCo shall circulate a copy of this Order upon all parties to the action within seven (7) days of the date of the entry of the Order.

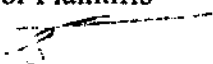
BY THE COURT:



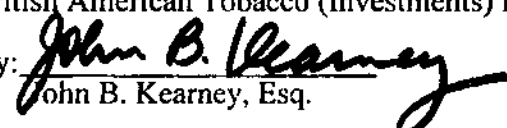
HON. MARINA CORDEMUS, J.S.C.

The undersigned stipulate and consent to the form, substance and entry of this Order.

HOFFMAN, DiMUZIO & HOFFMAN  
Attorneys for Plaintiffs

By:   
Richard S. Hoffman, Esq.

KENNEY & KEARNEY LLP  
Attorneys for Defendant,  
British American Tobacco (Investments) Limited

By:   
John B. Kearney, Esq.